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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,555	11/10/2003	Attila Barta	RSW920030177US1	5498
51016 7590 02/20/2007 IBM CORP. (RALEIGH SOFTWARE GROUP) c/o Rudolf O Siegesmund Gordon & Rees, LLP 2100 Ross Avenue Suite 2600 DALLAS, TX 75201			EXAMINER WEI, ZHENG	
			ART UNIT 2192	PAPER NUMBER
* SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			02/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary**Application No.**

10/705,555

Applicant(s)

BARTA ET AL.

Examiner

Zheng Wei

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2003, 12/01/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/10/03, 2/23/04 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the application filed on 11/10/2003 and the preliminary amendment filed on 12/01/2003.
2. Claims 1-33 are pending and have been examined.

Oath/Declaration

3. The Office acknowledges receipt of a properly signed oath/declaration filed on November 10, 2003.

Priority

4. The priority date considered for this application is November 10, 2003.

Drawings

5. The drawings filed on November 10, 2003 and the replacement drawing filed on February 23, 2004 are not accepted by the Examiner because of non-compliance with 37 CFR § 1.12(d). Any changes to an application drawing must be in compliance with 37 CFR § 1.84 and must be submitted on a replacement sheet of drawings, which shall be an attachment to the amendment document and, in the top margin, labeled "Replacement Sheet".
6. The replacement sheet of FIG.3 should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the Examiner, the Applicant

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will be notified and informed of any required corrective action in the next Office Action. The objection to the drawings will not be held in abeyance.

Specification

7. The disclosure is objected to because of the following informalities:
- The preliminary amendments to the specification filed on December 01, 2003 needs to be further updated to reflect the change of the **title** of cross-reference application 10/705,525.
 - Disclosed information about co-pending US applications on page 6, 7, and page 9 needs to be updated.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
9. Claims 3, 4, 14, 15, 25 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "**substantially the same number**" in claims 3, 4, 14, 15, 25 and 26 is a relative term which renders the claim indefinite. The term "**substantially the same**

number " is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. For the purpose of compact prosecution, the Examiner treats those claims as –grouping each component with other components having a plurality numbers of dependent components--.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1, 2, 5-13, 16-24 and 27-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Zimniewicz (Zimniewicz et al., US 6,744,450 B1)

Claim 1:

Zimniewicz discloses a method, system (see for example, Fig.1 and related text) and computer program product (see for example, col.5, lines 28-36) for installing software components, comprising:

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- Initiating installation of components (see for example, Fig.3, steps 86, 88, "Load Setup.sdb", "Call UI Manager to Display Startup Screens" and related text);
- selecting a level of detail to be reported regarding the status of components being installed (see for example, Fig.4b, steps 140-142, "Display Scenario Selection Screen", "Receive User Scenario Selection" and related text);
- generating a report regarding status installation progress of the components being installed (see for example, Fig.4c, step 170, "Display Programs Screen" and related text, also see col.11, lines 42-43, "During this process, an installation-progress page is provided 170."); and
- displaying that portion of the report identifying the components at the selected level of detail and their corresponding installation progress status (see for example, Fig.4c, step 170, "Display Programs Screen" and related text, also see col.11, lines 42-43, "During this process, an installation-progress page is provided 170.").

Claim 2:

Zimniewicz further discloses the method of claim 1, further comprising accessing a semantic model, the semantic model comprising an indication of a dependency of a component to be installed upon any other component (see for example, Fig.2, element 85, "Dependency Manager" and related text).

Claim 5:

Zimniewicz further discloses the method of claim 1, wherein generating the report comprises generating a tree-like structure having at a highest level branch those components to be installed with the greatest number of dependent components and having at a lowest level branch those components to be installed with the fewest number of dependent components (see for example, Fig.6, element 234 and related text, also see col.13, lines 19-40 about tree structure of parent and child components).

Claim 6:

Zimniewicz also discloses the method of claim 5, wherein displaying the portion of the report comprises displaying the branches of the tree-like structure corresponding to the selected level of detail and those branches having a higher level (see for example, col.12, lines 54-57, "The UI utilizes a directory tree structure to display components and their sub-components.").

Claim 7:

Zimniewicz further discloses the method of claim 1, wherein selecting a level of detail comprises accessing a log file (setup database file) for a user, the log file including a user-selected detail level preference (see for example, col.6; lines 42-43, "setup database file (setup.sdb)").

Claim 8:

Zimniewicz further discloses the method of claim 1, wherein selecting a level of detail comprises accessing a log file for a user (see for example, col.6, lines 42-43, "setup database file (setup.sdb)"), the log file including a detail level generated from past selections by the user (see for example, col.11, lines 24-26, "All of the options and information the user has selected is displayed for final approval 162", also see Fig.5-Fig.9 and related text. Thus, the user can navigate back to modify any of his or her selection from these screens).

Claim 9:

Zimniewicz also discloses the method of claim 1, wherein displaying the status of installation progress comprises displaying each of a plurality of status characteristics with a different visual indicator (see for example, Fig.4a, step 130, "Display Welcome Screens", Fig.4b, step 140, "Display Scenario Selection Screen", Fig.4c, step 176, "Display Finish Page" and related text).

Claim 10:

Zimniewicz further discloses the method of claim 9, wherein the different visual indicators comprise different colors (see for example, col.3, lines 45-49, "Such as check marks, color differences, highlight, etc")

Claim 11:

Zimniewicz further discloses the method of claim 9, wherein the status characteristics are selected from the group comprising pending, in progress, successfully completed and error (see for example, col.11, lines 46-50, "the description text in the header of the progress screen update with the each change in install stage").

Claims 12,13 and 16-22:

Claims 12, 13 and 16-22 are system version (see for example, Fig.1 and related text) for performing the claimed method as in claims 1, 2 and 5-11 addressed above, wherein all claimed limitation functions have been addressed and/or set forth above and certainly a computer system would need to run and/or practice such function steps disclosed by Zimniewicz. Thus, these claims are also anticipated by Zimniewicz's teachings.

Claims 23, 24, 27-33:

Claims 23, 24 and 27-33 are computer program products version of the claimed method, wherein all claimed limitation functions have been addressed in claims 1, 2 and 5-11 above respectively, wherein the method steps can be implemented as computer program and can be practiced and /or stored on a computer operable media (see for example, col.5, lines 28-36). Thus, these claims are also anticipated by Zimniewicz's teachings.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 3-4, 14-15 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zimniewicz (Zimniewicz et al., US 6,744,450 B1) in view of Bourke-Dunphy (Bourke-Dunphy et al., US 6,918,112 B2)

Claim 3:

Zimniewicz discloses the method of claim 2, but does not explicitly disclose the method comprising grouping each component with other components having plurality numbers of dependent components, those components having more dependencies being in a higher group and those components having fewer dependencies being in a lower group. However, Bourke-Dunphy in the same analogous art of system and method to facilitate installation of components discloses grouping dependent components (see for example, col.3, lines 38-40, "defines the interdependencies for the set of components associated with the given installation", also see col.3, lines 42-44, "each component requires concurrent installation of all higher-level components that connect that component to the base level of the tree"). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to group

the interdependent components together for installation. One would have been motivated to do so to ensure proper component dependency as suggested by Bourke-Dunphy (see for example, col.3, lines 48-49, "to ensure proper component dependency")

Claim 4:

Zimniewicz and Bourke-Dunphy disclose the method of claim 3, Bourke-Dunphy further discloses wherein:

- each grouping corresponds to a selectable level of detail (see for example, Fig.2, elements 54, 56, 58 "components A, B, C" and element 60 "Group 1"; and related text);
- displaying the portion of the report comprises displaying the components in the group corresponding to the selected level of detail and the components in groups higher than the group corresponding to the selected level of detail (see for example, Fig.4, column 204 "Application Package" and related text).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further combine Bourke-Dunphy's teachings in Zimniewicz's method of report/display installation information. One would have been motivated to do so to display all of the option and information the user has selected for final approval as suggested by Zimniewicz (see for example, col.11, lines 23-25")

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Claims 14 and 15:

Claims 14 and 15 are system version for performing the claimed method as in claims 3 and 4 addressed above, wherein all claimed limitation functions have been addressed and/or set forth above and certainly a computer system would need to run and/or practice such function steps disclosed by Zimniewicz and Bourke-Dunphy. Thus, they also would have been obvious.

Claims 25 and 26:

Claims 25 and 26 are computer program products version of the claimed method, wherein all claimed limitation functions have been addressed in claims 3 and 4 above respectively. It is well known in the computer art that such method steps can be implemented as computer program and can be practiced and /or stored on a computer operable media. Thus, they also would have been obvious in view of Zimniewicz and Bourke-Dunphy's teachings.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

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- Cary D. Perttunen (US 7,171,628) discloses a method of graphical representation of software installation

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zheng Wei whose telephone number is (571) 270-1059. The examiner can normally be reached on Monday-Thursday 8:00-15:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571- 272-1000.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ZW



TUAN DAM
SUPERVISORY PATENT EXAMINER